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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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GOVERNMENT EMPLOYEES INSURANCE  
COMPANY, GEICO INDEMNITY COMPANY,  
GEICO GENERAL INSURANCE COMPANY and  
GEICO CASUALTY COMPANY,

Docket No.: CV-13-2706  
(LDW)(GRB)

Plaintiffs,

-against-

JEAN D. MILLER, DO, TATIANA PAVLOVA, MD,  
THAYER MEDICAL, P.C., JEAN D. MILLER, D.O., P.C.,  
TATIANA A. PAVLOVA, PHYSICIAN, PLLC,  
LYUDMILA PORETSKAYA, M.D.,  
GARY RITHOLZ, M.D., MOSIAC MEDICAL, P.C.,  
RYTIS VALSKYS, M.D., HUGO PACHECO,  
TOTAL BODY CHIROPRACTIC, P.C.,  
HEALING CHIROPRACTIC CARE, P.C.,  
VISTA CHIROPRACTIC, P.C.,  
EXTREME RELIEF CHIROPRACTIC CARE, P.C.,  
GLENN ACAS LUNA, JOSEHUA VAINER a/k/a  
JOSH VAINER a/k/a JOSH VAIMEN,  
BRAD MGMT, INC., ABC CORPORATIONS 1-10, and  
JOHN DOEs 1-10,

Defendants.

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FILED  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT E.D.N.Y.

★ JUL 23 2014 ★

LONG ISLAND OFFICE

**ORDER AND PERMANENT INJUNCTION**

WHEREAS, Government Employees Insurance Company, GEICO Indemnity Company, GEICO General Insurance Company and GEICO Casualty Company (collectively, "Plaintiffs" or "GEICO") commenced this action against, among others, Defendants, Jean D. Miller, DO ("Dr. Miller"), Thayer Medical PC ("Thayer PC"), Jean D. Miller, DO, PC ("Miller PC"), Tatiana Pavlova, MD ("Dr. Pavlova"), Tatiana A. Pavlova Physician, PLLC ("Pavlova PLLC"), Lyudmila Poretskaya, MD ("Dr. Poretskaya"), Hugo Pacheco ("Pacheco"), Total Body Chiropractic, PC ("Total PC"), Healing Chiropractic Care, PC ("Healing PC"), Vista

Chiropractic, PC ("Vista PC"), Extreme Relief Chiropractic Care, PC ("Extreme PC"), Glen Acas Luna ("Luna"), Josehua Vainer ("Vainer"), and Brad Mgmt Inc. ("Brad Inc").

**WHEREAS**, Dr. Miller has represented herself to be the sole owner of record of Defendant, Thayer PC and Miller PC (collectively, the "Thayer PCs"); and

**WHEREAS**, Dr. Pavlova has represented herself to be the sole owner of record of Defendant Pavlova PLLC; and

**WHEREAS**, Hugo Pacheco has represented himself to be the sole owner of record of Defendants, Total PC, Healing, Vista PC, and Extreme PC (collectively, the "Pacheco PCs"); and

**WHEREAS**, Josehua Vainer has represented himself to be the sole owner of record of Defendant Brad Inc; and

**WHEREAS**, the Plaintiffs, Dr. Miller, the Thayer PCs, Dr. Pavlova, Pavlova PLLC, Dr. Poretskaya, Luna, Pacheco, the Pacheco PCs, Josehua Vainer and Brad Inc. have reached a global resolution of all issues between them, including all causes of action and claims for relief against Dr. Miller, the Thayer PCs, Dr. Pavlova, Pavlova PLLC, Dr. Poretskaya, Luna, Pacheco, the Pacheco PCs, Vainer and Brad Inc that have been or could have been brought in this action, including all potential claims by GEICO against Dr. Miller, the Miller PCs, Dr. Pavlova, Pavlova PLLC, Dr. Poretskaya, Luna, Pacheco, the Pacheco PCs, Vainer and Brad Inc. relating to their submission of claims to GEICO, upon the terms set forth in this Order and Permanent Injunction; and

**WHEREAS**, in order to effectuate the terms of the global resolution, Plaintiffs, Dr. Miller, the Thayer PCs, Dr. Pavlova, Pavlova PLLC, Dr. Poretskaya, Luna, Pacheco, the Pacheco PCs, Vainer and Brad Inc. have consented to the entry of this order and permanent injunction;

**NOW THEREFORE**, upon the stipulation of GEICO, Dr. Miller, the Thayer PCs, Dr. Pavlova, Pavlova PLLC, Dr. Lyudmila Poretskaya, Glen Acas Luna, Pacheco, the Pacheco PCs, Josehua Vainer and Brad Inc., it is hereby

**ORDERED** that the Clerk of the Court shall enter judgment in favor of Government Employees Insurance Company, GEICO Indemnity Company, GEICO General Insurance Company and GEICO Casualty Company as against Defendants, Jean D. Miller, DO, Thayer Medical PC, Jean D. Miller, DO, PC, Tatiana Pavlova, MD, Lyudmila Poretskaya, MD, Hugo Pacheco, Total Body Chiropractic, PC, Healing Chiropractic, PC, Vista Chiropractic, PC, Extreme Relief Chiropractic Care, PC, Glen Acas Luna, Josehua Vainer, Brad Mgmt Inc., in the amount of Three Hundred Thousand (\$300,000.00) Dollars, and incorporating the terms of this order and permanent injunction;

**IT IS FURTHER ORDERED** that pending the entry of judgment and satisfaction thereon:

(a) all assets of Thayer Medical PC, Dr. Jean D. Miller, DO, PC, Tatiana A. Pavlova Physician, PLLC, Total Body Chiropractic, PC, Healing Chiropractic Care, PC, Vista Chiropractic, PC and Extreme Relief Chiropractic Care, PC, up to the amount of Three Hundred Thousand (\$300,000.00) Dollars are hereby attached in favor of and for the benefit of GEICO, including but not limited to: (i) real property, bank accounts, brokerage accounts, debts, accounts receivable, cash, stocks, bonds, motor vehicles, and boats; (ii) any monies held by any bank and/or financial institution in the name of Thayer Medical PC, Dr. Jean D. Miller, DO, PC, Tatiana A. Pavlova Physician, PLLC, Total Body Chiropractic, PC, Healing Chiropractic Care, PC, Vista Chiropractic, PC and Extreme Relief Chiropractic Care, PC; (iii) any monies held by any attorney on behalf of or for the benefit of Thayer Medical PC, Dr. Jean D. Miller, DO, PC,

Tatiana A. Pavlova Physician, PLLC, Total Body Chiropractic, PC, Healing Chiropractic Care, PC, Vista Chiropractic, PC and Extreme Relief Chiropractic Care, PC; and (iv) any monies that are or may in the future be due and owing to Thayer Medical PC, Dr. Jean D. Miller, DO, PC, Tatiana A. Pavlova Physician, PLLC, Total Body Chiropractic, PC, Healing Chiropractic Care, PC, Vista Chiropractic, PC and Extreme Relief Chiropractic Care, PC, or collected by Thayer Medical PC, Dr. Jean D. Miller, DO, PC, Tatiana A. Pavlova Physician, PLLC, Total Body Chiropractic, PC, Healing Chiropractic Care, PC, Vista Chiropractic, PC and Extreme Relief Chiropractic Care, PC as a result of any collection arbitrations/lawsuits (hereinafter "collection cases") pursued on behalf of Thayer Medical PC, Dr. Jean D. Miller, DO, PC, Tatiana A. Pavlova Physician, PLLC, Total Body Chiropractic, PC, Healing Chiropractic Care, PC, Vista Chiropractic, PC and Extreme Relief Chiropractic Care, PC against any insurers other than GEICO, it being understood that in regard to pending and future collection cases prosecuted on behalf of Thayer Medical PC, Dr. Jean D. Miller, DO, PC, Tatiana A. Pavlova Physician, PLLC, Total Body Chiropractic, PC, Healing Chiropractic Care, PC, Vista Chiropractic, PC and Extreme Relief Chiropractic Care, PC against insurers other than GEICO that the following categories shall be exempt from attachment under this order: (i) statutory counsel fees payable by insurers other than GEICO to Thayer Medical PC, Dr. Jean D. Miller, DO, PC, Tatiana A. Pavlova Physician, PLLC, Total Body Chiropractic, PC, Healing Chiropractic Care, PC, Vista Chiropractic, PC and Extreme Relief Chiropractic Care, PC's collection attorney on each individual collection case on which collection is made, and (ii) filing fees payable by insurers other than GEICO to Thayer Medical PC, Dr. Jean D. Miller, DO, PC, Tatiana A. Pavlova Physician, PLLC, Total Body Chiropractic, PC, Healing Chiropractic Care, PC, Vista

Chiropractic, PC and Extreme Relief Chiropractic Care, PC's collection attorneys on each individual collection case on which collection is made; and

(b) Thayer Medical PC, Dr. Jean D. Miller, DO, PC, Tatiana A. Pavlova Physician, PLLC, Total Body Chiropractic, PC, Healing Chiropractic Care, PC, Vista Chiropractic, PC and Extreme Relief Chiropractic Care, PC, their agents, servants, attorneys, and all other persons and entities over which they have control or acting on its behalf shall be enjoined and restrained from transferring, encumbering, dissipating, or wasting any such assets; and it is further

**ORDERED**, that Dr. Miller, the Thayer PCs, Pavlova PLLC, Dr. Poretskaya, Luna, Pacheco, the Pacheco PCs, Vainer and Brad Inc., as well as any entity, attorney, or individual purporting to represent or to act on behalf of Dr. Miller, the Thayer PCs, Pavlova PLLC, Dr. Poretskaya, Luna, Pacheco, Vainer and Brad Inc., are permanently enjoined and restrained from submitting any bills to or commencing any lawsuits, arbitrations, or other proceedings, either directly or indirectly, against GEICO for goods and/or healthcare related services provided by or through Dr. Miller, the Thayer PCs, Pavlova PLLC, Dr. Poretskaya, Luna, Pacheco, the Pacheco PCs, Vainer and Brad Inc. regardless of the dates of service; and it is further

**ORDERED**, that Dr. Miller, the Thayer PCs, Dr. Pavlova, Pavlova PLLC, Dr. Poretskaya, Luna, Pacheco, the Pacheco PCs, Vainer and Brad Inc., as well as any entity, attorney, or individual purporting to represent or to act on behalf of Dr. Miller, the Thayer PCs, Dr. Pavlova, Pavlova PLLC, Dr. Poretskaya, Luna, Pacheco, the Pacheco PCs, Vainer and Brad Inc. shall, within thirty (30) days from the date of receipt of this Order, (i) execute a stipulation of discontinuance, with prejudice, in any pending lawsuit against GEICO and return the stipulation of discontinuance to the Law Office of Printz & Goldstein, or any other successor or affiliated entity, staff counsel for GEICO, and (ii) withdraw, with prejudice, any pending

arbitration against GEICO and notify the American Arbitration Association of such withdrawal; and it is further

**ORDERED**, that Dr. Miller, the Thayer PCs, Dr. Pavlova, Pavlova PLLC, Dr. Poretskaya, Luna, Pacheco, the Pacheco PCs, Josehua Vainer and Brad Inc., as well as any entity, attorney, or individual purporting to represent or to act on behalf of the Dr. Miller, the Miller PCs, Dr. Pavlova, Pavlova PLLC, Dr. Poretskaya, Luna, Pacheco, the Pacheco PCs, Vainer and Brad Inc., at their own cost and expense, shall assist and cooperate with GEICO's efforts to enforce the terms of the Permanent Injunction by (i) issuing letters directing collection counsel to discontinue/withdraw all arbitrations and litigation against GEICO, with prejudice, which shall be sent immediately following the approve of the Permanent Injunction; and (ii) sending letters to any other lawyer or law firm in the future identified by GEICO as prosecuting lawsuits and/arbitrations against GEICO on behalf of Dr. Miller, the Miller PCs, Dr. Pavlova, Pavlova PLLC, Dr. Poretskaya, Luna, Pacheco, the Pacheco PCs, Vainer and Brad Inc. in violation of the Permanent Injunction, directing that the lawyer or law firm discontinue/withdraw the arbitrations against GEICO, with prejudice; and it is further

**ORDERED** that this Order and Permanent Injunction shall not serve to dismiss or limit GEICO's claims against the remaining defendants in this action.

**SO ORDERED:**

s/ Leonard D. Wexler

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Leonard D. Wexler, U.S.D.J.  
Dated: Central Islip, New York

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7/23, 2014

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